

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KEVIN ESLINGER,

Plaintiff,

v.

BEASY TRANS SYSTEMS, INC., et al.,

Defendants.

Case No. 2:21-cv-1606

Judge James L. Graham

Magistrate Judge Kimberly A. Jolson

ORDER

This matter is before the Court for consideration of the December 7, 2021, Report and Recommendation of Magistrate Judge Jolson. (ECF No. 23.) After considering the Court's November 15, 2021 Order requiring Plaintiff to comply with his discovery obligations and Defendant's December 1, 2021 Status Report (ECF No. 22), Magistrate Judge Jolson recommended dismissal of Plaintiff's Complaint for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). For the reasons set forth below, the Court **ADOPTS** the Report and Recommendation issued by Magistrate Judge Jolson (ECF No. 23), and Plaintiffs' Complaint (ECF No. 4) is **DISMISSED**.

The Report and Recommendation specifically advised the parties that failure to object to the Report and Recommendation within fourteen (14) days "will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation." (ECF No. 23 at 191.) The deadline for filing objections to the Report and Recommendation has since expired, and no party has objected to the Report and Recommendation.

The Court therefore **ADOPTS** the Report and Recommendation of Magistrate Judge Jolson. (ECF No. 23.) Plaintiff's Complaint (ECF No. 4) is hereby **DISMISSED** for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). The Clerk is directed to enter final judgment and close this case.

IT IS SO ORDERED.

/s/ James L. Graham
JAMES L. GRAHAM
United States District Judge

DATE: January 3, 2022